



U.S. Department
of Transportation

**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

May 5, 2003

Exemption No. 8045
Regulatory Docket No. FAA-2002-11938

Mr. Donald E. Smith
Allen County Airport Manager
Friends of Allen County Airport
1705 Minnesota Road
Iola, KS 66749

Dear Mr. Smith:

By letter dated September 16, 2002, you petitioned the Federal Aviation Administration (FAA) on behalf of Friends of Allen County Airport (FACA) for an exemption from §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121 of Title 14, Code of Federal Regulations (14 CFR). This exemption, if granted, would permit FACA to conduct local sightseeing flights at the Allen County Airport, Iola, Kansas, for sightseeing flights on June 14, 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

In your petition you state that on June 14, 2003, the Friends of Allen County Airport will sponsor sightseeing flights at the airport. FACA was previously issued Exemption No. 7808 and the conditions and justifications that existed for that event exist again for this event.

The FAA finds that sightseeing events raise needed funds and foster positive and productive working relations among the community, pilots, airport authorities, airport neighbors, and other members of the general public. Additionally, the FAA emphasizes that affected operators and pilots conducting operations under the terms of this exemption must comply with §§ 135.249 and 135.253 concerning the use of prohibited drugs and the misuse of alcohol.

Having reviewed your reasons for requesting an exemption, I find they do not differ materially from those presented by petitioners in the past. In addition, I have determined that the reasons stated by the FAA for granting previous exemptions also apply to the situation you present.

AFS-03-238-E

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, the Friends of Allen County Airport is granted an exemption from 14 CFR §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121 to the extent necessary to allow FACA to conduct local sightseeing flights at the Allen County Airport, Iola, Kansas, for sightseeing flights during June 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135, subject to the following conditions and limitations:

1. Operations must be conducted during daylight hours only.
2. Operations must be conducted in airplanes operating under visual meteorological conditions only, on nonstop sightseeing flights that begin and end at the same airport, and within a 25-statute-mile radius of that airport.
3. No aerobatic or formation flights will be conducted.
4. Aircraft used under the terms of this exemption must have a standard airworthiness certificate.
5. Each aircraft used must be airworthy and must comply with the applicable requirements of subpart E of 14 CFR part 91.
6. Before conducting operations under the terms of this exemption, FACA must brief its pilots about drug- and alcohol-free operations.
7. Pilots conducting operations under the terms of this exemption must hold at least a private pilot certificate.
8. If operations are conducted by a pilot holding a private pilot certificate, the requirements of 14 CFR § 61.113(d) must be met.
9. FACA must notify the Flight Standards District Office that has geographic responsibility for the event location with the dates and times of planned flight activity under this exemption.
10. FACA may participate in no more than four such events per calendar year.
11. Pilots may participate in no more than four events per calendar year, under this exemption or any other similar exemption, and must have a logbook entry for each event in which they participate.

This exemption terminates on June 30, 2003, unless sooner superseded or rescinded.

In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at <http://dms.dot.gov>. This new system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through this system.

Sincerely,

/s/ Anthony F. Fazio
Director, Office of Rulemaking